

Message

From: Saminathan, Thangasamy [thangasamy.saminathan@wv.gov]
Sent: 1/7/2022 4:17:56 PM
To: Dyroff, Colin [dyroff.colin@epa.gov]
CC: Vyas, Himanshu [vyas.himanshu@epa.gov]; Bennett, James [bennett.james@epa.gov]; Feuer, Daniel [Feuer.Daniel@epa.gov]
Subject: Re: WVDEP_UIC Primacy documentation_help needed

Hi Colin and Himanshu,
Excellent! Million thanks for your valuable input. Great relief in fact. This will help me a lot to go ahead further. I will take in any other comment from others. Let me go over everything and get back to you if I have any questions. First snow of this season 10 inches here. You all have a wonderful day.

With kind regards,
Sam

On Fri, Jan 7, 2022 at 10:55 AM Dyroff, Colin <dyroff.colin@epa.gov> wrote:

All, see my comments below in blue.

Thanks,

Colin Dyroff

EPA Office of Groundwater and Drinking Water

From: Vyas, Himanshu <vyas.himanshu@epa.gov>
Sent: Friday, January 7, 2022 10:02 AM
To: Saminathan, Thangasamy <thangasamy.saminathan@wv.gov>
Cc: Bennett, James <bennett.james@epa.gov>; Feuer, Daniel <Feuer.Daniel@epa.gov>; Dyroff, Colin <dyroff.colin@epa.gov>
Subject: RE: WVDEP_UIC Primacy documentation_help needed

Hi Thangasamy,

Happy new year to you too! And sorry to hear you're swamped with this additional work. I don't have answers to all your questions, so I'm copying my HQ contacts on this email who work on program primacy applications and who have also worked on WV primacy with us in the past, so that they may add their info as well as correct me if I'm wrong somewhere. I'm also copying my supervisor on this email in case he has any inputs.

1. After I saw the UIC primacy table in the EPA website, WV is in the Pre-application activities. Is that right?

That is correct. We are done with almost all the activities in this phase but we are still in this phase until WV submits the formal application package to us for our review, which is when the process moves to Phase II: completeness review and determination.

2. However, we already have Class I-V in primacy which needs substantial program revision and have to submit a new primacy application for Class VI. Am I right? Please correct me if I am wrong with more directions.

That is correct. WV worked with us last year, using a regulatory cross-walk, to update and revise your existing regulations, while also adding new language regarding Class VI. The state's draft regulatory package was then made available for public comment last summer, after which it was submitted to the WV legislature for their review and approval during its next session, which is assembled and in session now. The program revision and primacy application for Class VI are integrated into one package of regulatory updates to streamline everyone's review and approval. We will actually be treating the whole thing (including the addition of Class VI) as a program revision, following procedures in 40 CFR Part 145.32. West Virginia already has 1422 primacy for Class I/III/IV/V, so we treat the addition of Class VI primacy as a revision to their existing 1422 program. But practically speaking this doesn't really change much. We will still be requiring the all of the items that Thangasamy mentioned in his third question.

3. Since we are in the Pre-application activities, we prepared the Governor's letter, Program description, Attorney General's statement, MoA between WV State and EPA, copy of State's UIC related statutes and regulations, and finally State's public participation process. Is that all we need now?

My notes from a call in September 2020, when we had invited Colin Dyroff of our HQ office to a Region 3-WV crosswalk call, show that apparently for this phase we don't need the governor's letter and the public participation process. But since WV has already produced these documents, it is not a problem to include those in the submission package. I will let Colin, Dan, or Jim add their input here if they feel. I am also attaching the UIC Program Revision SOP which we had shared with WV in October 2020 after the September 2020 call, so that you can also work from the same document. Back in September 2020 WV was not planning on adding Class VI. Now that they are adding Class VI, we will use the discretion in 40 CFR 145.32(b)(1) to require the Governor's letter and the documentation of the state's public participation process. Sorry to not have communicated this sooner, but sounds like it will not be a problem. We recently discussed this question at HQ. We want to set the bar as high as it would have been for new primacy approval, even though Class VI primacy is technically being added via program revision.

4. In the case of Class VI new primacy application, and program revision for other classes, do we need to prepare separate Program Description for different classes or compile together? We have a Class VI model from Wyoming state (EPA website).

This is a good question, to which I don't have a firm answer, so I am hoping Colin or Dan can provide you a proper answer. Since the Program Description includes organizational charts, applicable state procedures, etc. and since UIC is implemented by two independent offices in WV (OOG and DWW), I would think you might have at least two program descriptions, but I am not sure. There can be one Program Description covering all well classes. It looks like that's what the Wyoming program description is. They simply modified it when they revised their program to add Class VI. Did WV previously have more than one program description?

5. If possible, please send the word file of the program description to me. So, the style could be uniform.

Since our HQ is actively assisting other regions and states with program updates, I am hoping they have a most updated version which meets all updated style requirements. We don't have any style requirements. All the program descriptions I've seen look slightly different. I also don't have access to any other versions of that program description. See 40 CFR 145.23 for exactly what the program description is supposed to have. Note that 145.24 and 145.25 also give requirements for the AG statement and MOA, respectively.

6. Should all files be compiled as word or PDF document (one or separate document)

I don't have a personal preference but perhaps there is a HQ recommendation on this issue as well. I think separate PDFs are best. That is how they will be posted to the docket.

I believe we at EPA have to develop an updated cross-walk based on the updated regulations you submit to us; this happens in Phase III of the SOP. Not sure what you meant by check list, so can't answer to that. Right..EPA and WV already agreed on the changes that needed to be made to the WV draft regulations in order for EPA to approve them. However, EPA will need to use a crosswalk to confirm that all the changes were implemented as discussed.

Sorry this is incomplete, but wanted to be responsive to you, and I'm sure my HQ colleagues will follow-up as well. Call or email me anytime.

Himanshu Vyas
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From: Saminathan, Thangasamy <thangasamy.saminathan@wv.gov>
Sent: Thursday, January 06, 2022 10:32 PM
To: Vyas, Himanshu <vyas.himanshu@epa.gov>
Subject: WVDEP_UIC Primacy documentation_help needed

Hi Himanshu,

Happy new year 2022!

I am Thangasamy working in the Groundwater section under Connie Anderson. I am given the responsibility to compile and prepare the UIC primacy application. Since I am a bit new to this primacy application, I have some questions. Few of our colleagues have been sick too recently which gives me more work in a quick time. Here are my questions.

1. After I saw the UIC primacy table in the EPA website, WV is in the Pre-application activities. Is that right?
2. However, we already have Class I-V in primacy which needs substantial program revision and have to submit a new primacy application for Class VI. Am I right? Please correct me if I am wrong with more directions.
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4. In the case of Class VI new primacy application, and program revision for other classes, do we need to prepare separate Program Description for different classes or compile together? We have a Class VI model from Wyoming state (EPA website).

5. If possible, please send the word file of the program description to me. So, the style could be uniform.

6. Should all files be compiled as word or PDF document (one or separate document)

Hope, this time we don't need to submit the check list and crosswalk.

When do we need to submit the compiled documents to EPA?

Your guidance will be an immense help to expedite the process. If you are busy, you may direct this email to the right person. Thank you so much. Good night.

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Regards,

Thangasamy (Sam) SAMINATHAN, PhD

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Regards,

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